

dence of the assent of the Crown, and of the advice and concurrence of the two Houses of Parliament.

In Gael on Law Composition (p. 136), it is stated: "Most instruments have some forms introductory of their principal provisions. In a deed, there is the testatum, or witnessing part. In a deed poll, the burden is ushered in with the token: 'Now know ye.' In an Act of Parliament is used the well-established form: 'Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in the present Parliament assembled.' This form (he adds) is singular, but sacred from the draftsman's alteration. It admits of varieties hereinafter mentioned," of which he gives examples in the forms used in Acts of Supply, and of Grace, and in Colonial Acts (p. 222). And in a footnote he adds: "'*Ad Divos adeunto caste*,' says Cicero in the character of a Roman lawgiver. In later ages of Rome, Acts of legislation were often modestly expressed by '*Videtur*.' As regards the British Legislature, it was an egregious mistake—the phrase 'Be it enacted' is as to things commanded in the law, a form of supererogation, almost peculiar to British legislation. It signifies, let it be put in the form of an Act or proceeding of Parliament—that is, into a written law, that, etc.; and then follow the commands which, when prescribing conduct, are expressed by 'shall.'"

The enacting form in the United States is: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled." The enacting form adopted generally by the State Legislatures is more democratic: "The people of the State of . . . represented in Senate and Assembly, enact as follows."

The omission of any recital of the enacting power from the Imperial Statutes may mean an adoption or recognition of some of the earliest legislative forms in which the recital of the enacting power was omitted; or it may mean an adoption of a democratic form more in harmony with the political idea now so largely developed of the popular sovereignty of the people, and which Blackstone says exists in the English system; for he states that "in a democracy there can be no exercise of sovereignty except by suffrage, which is the declaration of the people's will." (1 Bl. Com. 170.)